

REMARKS

This is in response to the action dated July 11, 2006.

To satisfy the action, new drawing sheets have been attached to address the objection, as required, under 37 C.F.R. 1.83(a). The specification has been amended to conform the description to the drawings. No new matter has been added.

As a preliminary matter, the action states that Claims 8, 17, 18, 36, 37, 58, 59 and 61 and 69 were withdrawn. However, the applicant withdrew only Claims 17, 18 and 61-69. Applicant elected Claims 1-16, 19-60, 70-72 in the previous response which are believed to read on the elected nipple shown in FIG. 13. No reasoning has been provided in the instant rejection which demonstrates why the examiner has included Claims 8, 36, 37, 58 and 59 in the withdrawn set of claims. Clarification is requested.

Claim 29 has been amended to correct an error in dependency which corrects the antecedent basis error noted in paragraph 3, and the rejection under 35 U.S.C. §112. This rejection should be withdrawn.

Claims 1, 2, 4-6, 10, 13 and 15 were rejected under 35 U.S.C. §102(b) by White '069. For White to anticipate Claims 1, 2, 4-6, 10, 13 and 15, each and every limitation of the claims must be shown in the reference. The examiner states that the White nipple includes a "substantially solid portion." However, in contrast to the examiner's statement, the present claims all require a "substantially solid nipple." The White nipple is not substantially solid. Regardless of what the nipple parts are called, the White nipple contains at least two chambers, and therefore cannot be considered substantially solid. One of the White chambers is an annular chamber 34 which runs about the outer perimeter of an internal elongated member disposed within the hollow nipple tip. The internal elongated member of White also includes a hollow 62 for permitting the elongated member to collapse to provide resilience against biting.

The hollow nipple of White, containing an internal elongated member and at least two chambers or hollow portions, is contrary to the present invention, which requires a substantially

solid nipple with ducts formed therethrough. White includes chambers which cannot deliver fluids and therefore, these portions of the White nipple cannot be considered ducts either. Since White does not show a substantially solid nipple, it cannot anticipate Claims 1, 2, 4-6, 10, 13 and 15, which all require a substantially solid nipple.

Claims 3, 14, 16, 19-24, 32-35, 38-44, 47, 54-57, and 60 are rejected under 35 U.S.C. §103(a) in view of White and Ishimaru. In order for White and Ishimaru to render Claims 31, 34, 35, 36 and 42 unpatentable under 35 U.S.C. § 103(a), the references must supply all of the claim limitations or provide some teaching, suggestion or motivation to modify the reference to supply all of the claim limitations of the present claims. White is distinguished above.

Ishimaru is used to teach the use of a soft material to provide more natural nursing. Ishimaru also shows a hollow nipple. There is no teaching of a substantially solid nipple in either reference so *prima facie* obviousness is not present. Furthermore, there is no suggestion or motivation in either Ishimaru or White, to modify the hollow nipple structure shown to provide a substantially solid nipple with a low durometer material. In fact, the hollow nipples shown teach away from the presently claimed invention.

Claim 39 differs from other independent claims in at least by the specification of a low durometer material (from dependent Claim 41). This is not shown or suggested by either White or Ishimaru. Therefore, White and Ishimaru cannot render Claims 3, 14, 16, 19-24, 32-35, 38-44, 47, 54-57, and 60 obvious.

Claims 9, 30, 31, 45, 47 and 53 were rejected under 35 U.S.C. §103(a) in view of White, Ishimaru and Morano. White and Ishimaru are distinguished above. Morano is used in the action to show the features of a co-molded nipple and indicia. It should be noted that Morano does not supply the above deficiencies in either providing all of the claim limitations or providing a suggestion to modify the references to arrive at the presently claimed invention and therefore the combination of White, Ishimaru and Morano do not render Claims 9, 30, 31, 45, 47 and 53 obvious.

Claim 7 was rejected under 35 U.S.C. §103(a) in view of White and Dunn. White is distinguished above. Dunn is used in the action to show two-part nipples and color coded indicia. However, Dunn does not supply the above-noted deficiencies of White in either providing all of the claim limitations or providing a suggestion to modify the references to arrive at the presently claimed invention and therefore the combination of White and Dunn do not render Claim 7 obvious.

Claims 11, 12, 70 and 71 were rejected under 35 U.S.C. §103(a) in view of White, Ishimaru, and Parkin. White and Ishimaru are distinguished above. Parkin was used to show a vent. Parkin, therefore, does not supply the above deficiencies in either providing all of the claim limitations or providing a suggestion to modify the references to arrive at the presently claimed invention and therefore the combination of White, Ishimaru and Parkin do not render Claims 11, 12, 70 and 71 obvious.

Claims 25-29 and 49-52 were rejected under 35 U.S.C. §103(a) in view of White, Ishimaru, Dunn and Morano in view of Fort. White, Ishimaru Dunn and Morano are distinguished above. Fort was used to show a two part mount. Fort, therefore, does not supply the above deficiencies in either providing all of the claim limitations or providing a suggestion to modify the references to arrive at the presently claimed invention and therefore the combination of White, Ishimaru, Dunn and Morano in view of Fort do not render Claims 25-29 and 49-52 obvious.

Claim 46 was rejected under 35 U.S.C. §103(a) as applied to Claims 39 and 45 in view of Yamamoto. Claims 39 and 45 are distinguished above. Yamamoto is used in the action to show a mounting portion with a different hardness than the nipple portion. However, Yamamoto does not supply the above-noted deficiencies in either providing all of the claim limitations or providing a suggestion to modify the references to arrive at the presently claimed invention and therefore Claim 7 is not rendered obvious by the combination of White, Ishimaru, Morano and Yamamoto.

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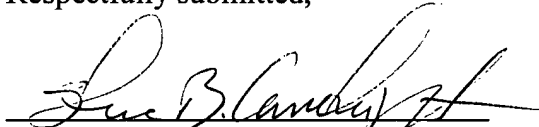
Claim 72 was rejected under 35 U.S.C. §102(b) by Morifuji. Morifuji is alleged to show a valve in a duct 11a. However, Morifuji shows that 11a is a wall structure and not a duct, which is shown at 10. In fact the valve 12 of Morifuji is not in the duct 10 as required by Claim 72 but remote from the duct. Since Morifuji does not show a valve in a duct, it cannot anticipate Claim 72.

All of the pending claims are in allowable over any combination of the prior art.
Reconsideration is requested.

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Respectfully submitted,


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